

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

**METROPOLITAN PROPERTY AND
CASUALTY INSURANCE COMPANY d/b/a
ECONOMY PREMIER ASSURANCE COMPANY**

PLAINTIFF

VS.

CIVIL ACTION NO. 2:09-cv-16-KS-MTP

CLAYCO CONSTRUCTION GROUP, LLC

DEFENDANT

ORDER DENYING MOTION TO COMPEL

This matter is before the court on a Motion [49] to Compel or to Extend Discovery to Require Metlife to Produce Documents filed by Defendant Clayco Construction Group, LLC on November 12, 2009. In the motion, Defendant seeks an order compelling Plaintiff to respond to its Second Set of Request of Production, propounded on October 21, 2009, the day before the extended discovery deadline.¹ Plaintiff argues that the discovery request, as well as the instant motion, are untimely.

Rule 26.1(B)(2) of the Uniform Local Rules provides that all discovery requests must be propounded “sufficiently in advance of the discovery cut-off date to comply with this rule,” and that “discovery requests that seek responses...that would otherwise be answerable after the discovery cut-off are not enforceable except by order of the court for good cause shown.” *See also Barnett v. Tree House Café, Inc.*, 2006 WL 3083757, at * 2 (S.D. Miss. Oct. 27, 2006). Further, Uniform Local Rule 7.2(B)(2) provides that discovery motions “must be filed sufficiently in advance of the discovery deadline so as not to affect the deadline.” *See Applewhite v. U.S.*, 2008 WL 4539625, at * 1 (S.D. Miss. Oct. 7, 2008) (denying motion to compel as untimely under Local Rule 7.2(B)(2)). Defendant has failed to comply with these

¹ The discovery deadline was originally set for October 1, 2009. *See* Case Management Order [7]. By Order [35] dated September 3, 2009, the court granted in part and denied in part Defendant’s Motion [33] for Extension of Time to Complete Discovery and extended the discovery deadline until October 22, 2009.

rules and the appropriate deadlines. Moreover, the motion does not establish good cause for further extensions of the discovery deadline.

Accordingly, as the discovery requests and the instant motion are untimely, and as Defendant has failed to show good cause for the delay, the court finds that the instant motion is not well-taken and should be denied.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Defendant's Motion [49] to Compel or to Extend Discovery to Require Metlife to Produce Documents filed by Defendant is denied.

SO ORDERED AND ADJUDGED this the 17th day of November, 2009.

s/ Michael T. Parker

United States Magistrate Judge